

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In The Matter Of

RICHARD LABARBERA

DIN# 81A2806

NYSID#



Type of Hearing: Reappearance

Location: Cayuga Correctional Facility
(Video-conferenced to NYS DOCCS)
333 East Washington Street
Syracuse, New York

Date: May 21, 2019
Decision Date: May 21, 2019

Before: Commissioner E. Berliner
Commissioner T. Drake
Commissioner C. Shapiro

Also Present: Amy Frederickson, SORC
Michelle Palmer, PA

At Cayuga: James Frangione, ORC

Hearing Reporter: Jacqueline Hagen, Hearing Reporter

1 BY COMMISSIONER SHAPIRO:

2 Q Good afternoon, sir.

3 A Good -- good evening. How are you?

4 Q You're right. It's evening. Good evening. Can -- are
5 you Richard LaBarbera?

6 A Yes, I am.

7 Q Did I pronounce that correctly?

8 A Yes, you did.

9 Q Okay. My name is Carol Shapiro. I'm a commissioner on
10 the New York State Parole Board. I'm joined here this
11 afternoon by Commissioner Drake in the middle.

12 COMMISSIONER DRAKE: Hello.

13 THE INMATE: Hello.

14 COMMISSIONER SHAPIRO: And Commissioner Berliner on
15 the other side.

16 COMMISSIONER BERLINER: Hello, sir.

17 Q I know --

18 THE INMATE: Thank you.

19 Q I believe this is about your ninth appearance; is that
20 correct? Tenth?

21 A I believe so, yes.

22 Q Okay. And I'm fairly certain you haven't met any of us
23 before, correct?

24 A No, no.

25 Q So it's a new day. It's a new opportunity for you. We're

1 not bound by any prior Board decisions, all right?

2 A Thank you. Thank you.

3 Q A lot of what we will cover you've covered before. We ask
4 that you be as honest as you can. We're going to go
5 through what you've accomplished while you've been
6 incarcerated almost 39 years. We're going to talk about
7 your plans going home, and, of course, we're going to talk
8 about what got you here and why we're sitting this way,
9 okay?

10 A Okay. Thank you.

11 Q You're welcome. I want to start out -- because it's been
12 two years since you've seen the Board. Tell me something
13 you've been working on. I know you're a law clerk now,
14 right? You're a clerk in the law library. Tell me
15 something that you're proud of that you think is important
16 that the current Panel knows about you that you've
17 accomplished.

18 A Well, I do -- I've continued to stay on top of computer
19 study. I took a program while I was in Arthur Kill that
20 was reasonable in today's job market, and I stay on top of
21 that through books that are, you know, sent to me from
22 friends of mine in the street.

23 Q Okay.

24 A Because it's a practical skill.

25 Q Okay. It's good. I know you're looking at possible

1 employment when you -- if you are released or when you are
2 released. I've read through -- this is -- you have very
3 extensive files, as you know, right?

4 A Yes.

5 Q And I also -- before we go too far, I want to thank you
6 for your packet, your Parole Board packet. I know that --
7 we know the Parole Preparation Project very well, and
8 we're going to discuss that at great length, as well.

9 A Thank you.

10 Q So it's -- what's challenging in reading the file, as you
11 know, and reading all the prior Board decisions, is the
12 stories keep changing. You have a co-defendant, Robert
13 McCain, correct?

14 A Yes.

15 Q Okay. And it seems that you two have gone like this
16 (indicating) in accusing the other of the actual killing.
17 For the record, I would like to state that you went to
18 trial and were found guilty of murder in the second and
19 got 25 to life, correct?

20 A Yes, that is correct.

21 Q Do you have any appeals outstanding?

22 A No, no.

23 Q Okay. I mention that because, as you probably know from
24 past interviews, we do have a court reporter here and are
25 taking down every word. You also pled to hindering

1 prosecution and got two to four, correct?

2 A That is correct, yes.

3 Q Okay. So what I have here -- I want to read the details

4 of the present offense. This happened in [REDACTED] [REDACTED]

5 It says that you recklessly engaged in conduct which

6 created a grave risk of death to [REDACTED] -- how do you

7 pronounce her name; do you know?

8 A [REDACTED] [REDACTED]

9 Q [REDACTED] She was just 16. You caused her death by

10 striking her in the head with a rock-like object, stabbing

11 her with a knife, and beating her body. That's the first

12 indictment. Do you have anything you'd like to say with

13 regard to that, what I just read to you? How this

14 happened? Did it happen? Who struck her in the head?

15 And, really, be as honest as you can because, again, so

16 many iterations make it very difficult for us to do our

17 job.

18 A Right. Okay. What I'd like to -- and I will answer your

19 question, and I would like to answer you question. I

20 would just like to -- I feel that I've fallen short at the

21 previous Parole Boards in that I haven't made it clear

22 that I accept absolute full responsibility for the crime.

23 I was jointly tried, like you said, with another

24 individual, you know, for acting in concert, and I take

25 full responsibility for that, and I -- I don't want -- I

1 would -- I wouldn't like anything that I say to --

2 Q Okay.

3 A -- indicate me trying to vindicate myself or anything like
4 that because I am responsible.

5 Q Okay. So the question is what were you responsible for
6 doing? And why?

7 A Okay. But being that I was charged with acting in
8 concert, the fact that I was at the scene of the crime and
9 saw the crime occur and leave the scene, that is more than
10 ample to find me guilty of --

11 Q Okay.

12 A -- of the homicide, which I am responsible for.

13 Q Okay. Let me ask you a question. Did you have a knife?

14 A No.

15 Q Did you hit Miss -- I'm just going to call her [REDACTED] Did
16 you hit [REDACTED] --

17 A Okay.

18 Q -- with a rock?

19 A No, I did not.

20 Q Okay. Another question I have is how did you know Robert
21 McCain?

22 A I didn't know Robert McCain. We were in the same bar. We
23 were in the same, you know -- [REDACTED]. We were
24 definitely there, but we weren't together like we were
25 friends. I don't know him; he doesn't know me.

1 Q So why were you with him? You left, presumably, and you
2 correct me if I'm wrong. You left the bar with him,
3 correct?

4 A There was -- there was two prosecution witnesses. One
5 said that we left together; another said that we didn't.

6 Q Right. But you already just stated that you were there
7 when this happened, and you witnessed it?

8 A Yes.

9 Q Okay. And so how much had you had to drink?

10 A They said that I had, like, somewhere in the neighborhood
11 of 25 drinks.

12 Q That's a lot of alcohol; isn't it? Were you --

13 A Yes, it is.

14 Q Were you using -- drinking a lot at that point in your
15 life?

16 A Yes, I was. Unfortunately, yes.

17 Q How old were you at the time?

18 A I was 27 years old.

19 Q And were you working?

20 A Yes, I was.

21 Q What were you doing?

22 A I was working in the -- I was working in a deli.

23 Q Okay. Had you finished high school?

24 A No. I got my GED while I was incarcerated.

25 Q All right. And you were also under parole supervision at

1 the time this occurred, right?

2 A Yes, I was.

3 Q So you -- it's fair to say you weren't leading -- leading
4 the most law-abiding life in your 20s, right?

5 A Absolutely not.

6 Q Okay. Your other charges, though, were larceny and
7 burglary; is that correct?

8 A Yes, that is correct.

9 Q Okay. And how much time had you served in state prison?

10 A 38 years.

11 Q No, no. If -- before -- before you committed this crime,
12 when you were on parole.

13 A Oh, I'm sorry.

14 Q That's okay.

15 A I'm sorry. A year and two days, perhaps.

16 Q Okay. And did you get your GED at this bid? Or on the
17 prior bid?

18 A In -- during this -- this incarceration.

19 Q Congratulations for that. That's really good.

20 A Thank you. Thank you.

21 Q Were -- you know, what made you drink so much?

22 A I was -- I mean, I had a real bad chip on my shoulder at
23 the time. I didn't respect law enforcement. I had a lot
24 of problems that were going on in my life. I had no
25 direction. I was kind of lost and just found, you know,

1 comfort in the bottle.

2 Q Okay. And for how long had you been drinking like that?

3 A Four years.

4 Q Four years. And where were you living at the time?

5 A I had a -- a room in a private house that I was renting in

6 [REDACTED] [REDACTED]

7 Q Okay. Were you close to family at that time?

8 A Yes, I was -- I was still, you know, close with my family,
9 you know. You know, I'm -- you know, they still lived in

10 [REDACTED] --

11 Q Did they realize --

12 A -- at the time.

13 Q -- that you had this kind of alcohol -- a reliance on
14 alcohol?

15 A I don't necessarily think so.

16 [REDACTED]

17 [REDACTED]

18 Q Okay.

19 A No.

20 Q Because you didn't think you were doing anything wrong,
21 I'm guessing. Who was [REDACTED] [REDACTED]

22 A [REDACTED] [REDACTED] was a person of interest by the police.

23 Q Okay.

24 A And an individual who I thought was involved in the crime.

25 Q Why did you think he was?

1 A Because that night when I was in [REDACTED], he was
2 at the end of the bar and conversing with the other
3 individual that I was charged with, and I believe --

4 Q Okay.

5 A -- that they were together.

6 Q Okay. All right. And so that -- that accounts for your
7 hindering prosecution, correct?

8 A Yes, yes, it did, yes.

9 Q Okay. I do have sentencing minutes from both of those
10 hearings. You were sentenced before the Honorable -- I
11 believe this was for your -- you were sentenced before the
12 Honorable Howard Miller, correct? And that was for the --

13 A Yes, for the hindering, yes.

14 Q -- hindering prosecution, yeah. The judge was not happy
15 with you, and your attorney then said -- Mr. Schechter
16 said, "From the outset, my client, Robert LaBarbera, has
17 maintained his innocence," that you did not kill her. So,
18 I mean, you can see how troubling this is, and you may not
19 literally have killed her, but you did nothing to stop it,
20 and you --

21 A Exactly.

22 Q -- and you did -- and -- and you did nothing to report it,
23 correct? You didn't call 911 or go -- you went to the
24 police -- did you go -- let me ask that question. Did you
25 go to the police after you realized --

1 A Yes, I did. Yes, that evening, as a matter of fact, I did
2 report the crime to Officer [REDACTED] (phonetic), but,
3 unfortunately, I was so inebriated that I wasn't believed,
4 which is understandable.

5 Q Okay.

6 A I --

7 Q All right. I also have your sentencing minutes from when
8 you were sentenced by the Honorable Harry Edelstein,
9 E-D-E-L-S-T-E-I-N, for the charge of murder, and he goes
10 on to say that he kept your -- the two crimes separate,
11 right? I mean the --

12 A Yes.

13 Q -- two individuals separate, that he -- I quote, "I still
14 wish the record to reflect I treated each one separately."
15 There was a 12-year-old boy and a 13-year-old girl who
16 testified?

17 A Yes.

18 Q And who were they?

19 A Well, there was a 12-year-old girl. I think her name was
20 [REDACTED] She testified that she saw me walking in the
21 opposite direction, and then there was a 12-year-old boy.
22 I believe his name was [REDACTED] (phonetic). He said that
23 he observed me following the victim at 8 o'clock, which
24 was after the crime was already --

25 Q All right.

1 A -- done.

2 Q All right. Did you know [REDACTED]

3 A No.

4 Q Okay. Do you have any idea why your co-defendant might
5 have attacked her?

6 A I have absolutely no idea.

7 Q Okay. Well, it also goes on to say that you came back to
8 the bar, and, again, I'm quoting, "at 7:30 with dirt on
9 your pants and dirt on your face." So at what time did
10 the crime occur?

11 A The --

12 COMMISSIONER SHAPIRO: We have to pause a minute.

13 (Whereupon there was a brief interruption in the
14 proceedings.)

15 BY COMMISSIONER SHAPIRO:

16 Q Okay. I'm very sorry. We --

17 A That's all right. That's fine.

18 Q The building is closing, and we're still here, though. Do
19 not worry. All right.

20 COMMISSIONER SHAPIRO: What was the last thing I
21 asked?

22 (Whereupon the last question was read by the
23 reporter.)

24 Q At what time do you believe the crime occurred?

25

1 A 7:30. According to Officer [REDACTED] when I reported
2 crime, it was 7:30.

3 Q And initially from what I read, they -- the jury found you
4 -- you and your co-defendant not guilty of rape as a
5 matter of law. So there seemed to be insufficient
6 evidence for that charge, correct?

7 A Yes.

8 Q Okay. And I saw a prior de novo -- that one reason you
9 had a de nova is that was mentioned in the interview, and
10 you were not ever found guilty of that. Okay. I'm going
11 to move on, and we may come back. I'm sure my colleagues
12 may have other questions. I did review your COMPAS.
13 You're familiar with the COMPAS, I take it?

14 A Yes, yes.

15 Q All right. Well, you're low for everything except reentry
16 substance abuse. When's the last time you used alcohol,
17 as I asked --

18 A Well, I think I have a misbehavior report from maybe 1990
19 for making homemade alcohol.

20 Q Okay. Fair enough. It's been a long time. I see a Tier
21 III for drug use in 2009, correct?

22 A Yes.

23 Q Okay. So that's the last drug use I see. So you've been
24 drug free or alcohol free for quite a while, but you
25 understand that it's probably a lifelong thing? There

1 might be triggers for you, right?

2 A Absolutely.

3 Q What --

4 A Absolutely.

5 Q -- do you think a trigger would be for you? Do you know
6 your triggers? [REDACTED]

7 [REDACTED], and I -- you know, I
8 recognize, you know, my weaknesses and -- but one thing
9 that I've learned is to be strong enough to reach out to
10 support, to pick up a telephone, talk to somebody, you
11 know, not --

12 Q Can you give me an example of a trigger for you?

13 A Sure. Me feeling overwhelmed.

14 Q Okay.

15 A If I feel overwhelmed, I'm going to turn around and drink
16 something to calm myself down, but with that said, now I
17 know enough to have somebody on the speed dial and dig
18 deep enough and get that help.

19 Q So what do you do? Because I'm sure you get overwhelmed
20 in prison now and again. What do you do? What are some
21 of the tools you've used in prison to, you know, calm
22 yourself?

23 A I play guitar.

24 Q Oh, I saw that.

25 A And I reach -- [REDACTED].

1 Q Okay.

2 A A good friend that has --

3 Q Okay.

4 A -- my best interest in mind.

5 Q Okay. Well, that's very good, and that's also in your
6 parole packet, and we will get to that very shortly. I
7 have your case plan. Not much on it except that you hope
8 to have employment upon release. It's always good to
9 work. You're going to be -- you are currently -- if I'm
10 correct, and I may not be -- 67?

11 A Just about.

12 Q Okay.

13 A A few months shy.

14 Q Okay. You're 66?

15 A Yeah.

16 Q Okay. So let's talk -- let's go to your parole packet for
17 a minute here. You have a lot of letters of support. Is
18 your mom still alive? I know she wrote -- she was 89 when
19 I read this.

20 [REDACTED]

21 [REDACTED].

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 Q I did read your statement. You talk a lot about yourself.
6 You talk about the arrest. You talk about being involved
7 in every possible therapeutic program, and you also -- I
8 like this, and I quote, "I am by no means a victim in this
9 matter. Such an idea is absurd." You talk about [REDACTED]
10 her family, and her friends. So I -- it was a very
11 thoughtful and long letter, and we, you know -- you also
12 talk about the help you've received over time, including
13 from the Parole Preparation Project. Let me ask you a
14 question. Where -- where do you plan -- and I've read
15 about it, but tell me in your own words where you plan to
16 live.

17 A I didn't think that it would be a good idea for me to go
18 back to [REDACTED] [REDACTED] because, first and foremost, I
19 have no family there. I have no support system there.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] I guess your

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] So I'd like to
15 hear from you. If you could say something to [REDACTED] now,
16 what would you say to her?

17 A That the crime absolutely never should have happened, that
18 the innocent loss of her life should have never taken
19 place, and that she should have been able to have a
20 family, milestones.

21 Q I'm sorry? Take a deep breath. Take a deep breath.
22 We're having trouble understanding you.

23 A She should have been able to enjoy milestones, marriage,
24 children, you know. Her mother should have had
25 grandchildren, should have been able to enjoy those

1 grandchildren.

2 Q Uhm-hmm. Okay. Well, I think that's correct, and you
3 know the devastation the family has experienced, correct?
4 What would you say, you know -- there -- in every case, we
5 do reach out to the judge, DA, and defense attorney, you
6 know, officials, to see what kinds of comments they may
7 have about a possible release. What would you say to the
8 volume of opposition, community opposition, for your
9 release? What would you say to people to give them some
10 solace?

11 A I can understand why there's opposition to my release. I
12 mean, it was a very brutal crime and, you know, I can
13 understand why a community would be so up in arms about
14 that, but I believe that, unfortunately, a lot of that
15 opposition came into being because of the community's
16 belief of responsibility of an underlying offense, but
17 even -- even without that, you know, to -- for a community
18 to embrace an individual who's convicted of a homicide, I
19 can understand their concern for the wellbeing of their
20 neighbors, loved ones, family, friends. It's -- it's
21 understandable.

22 Q Okay. Do you think, you know -- honestly, today, do you
23 think you are a danger or risk in the community, in any
24 community, [REDACTED]?

25 A No, no, not at all. I mean, I agree that I had a chip on

1 my shoulder and I had no respect for law enforcement when
2 I was living in -- in society. Since that time, I've
3 really worked hard to change that individual that I used
4 to be. I -- I -- I learned patience. I've learned to
5 think, you know, to use my God-given common sense and, you
6 know, to -- like I said earlier, if things -- if I start
7 to get a little bit nervous to reach out and get some
8 help, but, you know, I was never a violent individual as
9 I'm sure my -- my past criminal history reflects. I'm not
10 an angel. I --

11 Q No, I did read through -- I did read through your PSI.
12 It's in typed form. That's how old it is.

13 A Yeah.

14 Q Not the easiest to read on onion skin, but it's clear that
15 you had never been involved in violence. So I do get a
16 sense of that from your Presentence Investigation Report.
17 We do have a letter on file from the District Attorney,
18 which we will consider.

19 COMMISSIONER SHAPIRO: I'm going to pause here a
20 minute and ask my colleagues if they have any questions.
21 Commissioner Berliner?

22 COMMISSIONER BERLINER: I have no additional
23 questions. Thank you.

24 COMMISSIONER SHAPIRO: Okay. Commissioner Drake?

25 BY COMMISSIONER DRAKE:

1 Q I just want to -- Mr. LaBarbera, I just want to get a
2 little bit of clarity because maybe I misheard what you
3 said, and I did read your statement here. It's a little
4 brief. So you were at the bar at the time of the instant
5 offense. You were drinking, right? You were not supposed
6 to be doing so. You left the bar, right? You left the
7 bar?

8 A Yes.

9 Q And as you were walking, you saw -- what did you see?
10 What did you actually see happening?

11 A I saw an assault take place --

12 Q What?

13 A -- initially.

14 Q Tell me --

15 A And I continued -- and I continued to the area.

16 Q Stop. Stop. Stop. Stop.

17 A Yes.

18 Q Describe what you saw.

19 A I saw an individual reach around and hit somebody.

20 Q Okay. What -- did you see anything else?

21 A Well, I -- I had lost sight of them after the initial
22 assault.

23 Q After the initial --

24 A So I --

25 Q After the initial blow is what you're saying?

1 A Yes.

2 Q So did you see him -- you said hit someone, but you
3 couldn't make out if it was a girl, man, boy, or what
4 whatever? What did you -- did you see the victim?

5 A It -- it was quite a distance. I could not visually
6 identify or be sure of who was who.

7 Q Okay. Your statement goes on to say that you went to
8 another bar. Maybe you went back to the bar that you were
9 in?

10 A Yes.

11 Q Okay.

12 A Yes.

13 Q Why'd you go back to the bar?

14 A Well, I was just leaving the area because I knew I was on
15 parole. I'm not getting involved with anything. So I
16 turned around, and I returned to the bar where I had been.

17 Q Okay.

18 A When I got to the bar and I mentioned to the barmaid that
19 I had saw a fight happen between what appeared to be a
20 male and a female, I don't remember her exact words, but
21 it was, like, "Well, why the heck didn't you do anything?"
22 That's when I went back, and I saw an immobile female
23 lying on the ground, and I got -- it scared the crap out
24 of me, and that's when I ran down the block, and I went to
25 the police booth that was right across the street from the

1 bar. I reported the crime to Officer [REDACTED] I didn't
2 bring him directly to where [REDACTED] [REDACTED] was because,
3 again, I was on parole. I'm in direct violation of my
4 restrictions. I shouldn't have been in the bar. I
5 shouldn't have been drinking. I certainly should have
6 been drunk --

7 Q Okay.

8 A Or should not have been drunk. Excuse me.

9 Q Okay.

10 A But due to my inebriated -- oh, I'm sorry.

11 Q Yeah. I just want to ask something else. You said that
12 you did not know her. You did work in the area; is that
13 correct?

14 A I'm sorry?

15 Q You did work in the area, yes?

16 A Yes, I did bring to -- bring the officer to the area.

17 Q No, no --

18 A Yes.

19 Q -- did you have employment in that area?

20 A Oh, yes, well, my employment was in [REDACTED] which is about
21 20 minutes away from where the crime occurred.

22 Q Okay. I got -- yeah, I'm familiar. Okay. So, then,
23 you've never seen her? That was my next question. You've
24 never seen her in the community before?

25 A No.

1 Q Okay.

2 A No.

3 Q All right. I just wanted to be clear of that. Thank you
4 very much.

5 COMMISSIONER SHAPIRO: Thank you, Commissioner.

6 THE INMATE: Thank you. Thank you.

7 BY COMMISSIONER SHAPIRO:

8 Q Okay. Mr. LaBarbera, we have covered quite a bit here.
9 We have a lot to go through here and in your parole
10 packet. Is there anything we haven't discussed that you
11 think we should know?

12 A Well, I -- I understand -- not so much what we haven't
13 discussed, but just to say something, I realize that I
14 can't earn my release. I mean, I -- like you said, I
15 don't have a disciplinary for a long time. I've taken a
16 lot of programs, you know, and that doesn't win me my
17 release. I understand that, but, with that said, I've --
18 being that I couldn't do anything about the nature of my
19 crime, what I was able to address was me.

20 Q Okay. Take a deep breath. Is there somebody who can get
21 him a tissue, please?

22 A No, I'm good. I -- I knew -- my -- I had some serious
23 character flaws. Like I said, I had a chip on my
24 shoulder. I had no respect for law enforcement. I just
25 simply didn't care, and when I came into the prison

1 system, you know, I -- it -- just one day, I realized
2 that, "Hey, listen. You know, you got to change. You got
3 to do something. You can't live like this."

4 Q Okay.

5 A So I decided that I got to change. I just didn't know
6 how.

7 Q Okay.

8 A I mean, I had lived this way --

9 Q Okay. Well, in some --

10 A -- for so long, I didn't know what to do.

11 Q Well --

12 A So I got involved with programs.

13 Q I'm happy to say --

14 A I --

15 Q -- a lot of people spend a lot of time in prison and don't
16 avail themselves of the opportunities to better
17 themselves. So that's to your credit that you've been
18 able to do that, okay?

19 A Thank you.

20 Q Okay.

21 A Thank you.

22 Q All right. It's going to take us a bit of time to go
23 through everything, and we will get our decision to you in
24 writing. Thank you for coming in and speaking with us
25 this evening, and we do wish you well and success moving

1 forward.

2 A Thank -- thank you, Commissioner Shapiro, Drake, Mr.
3 Berliner. Thank you very much for seeing me, and, you
4 know, I'm not -- I'm not a coldhearted individual. I
5 mean, I broke the heart of a family. I destroyed a -- a
6 family, and I wish that -- I wish that the whole situation
7 is -- was entirely different, that it never happened, and
8 that the [REDACTED] family wasn't so devastated by the loss
9 of their daughter [REDACTED] life.

10 Q Okay. All right. Well, thank you for that, and, again,
11 we will get back to you in writing shortly, okay?

12 A Thank you.

13 Q Okay. Take care.

14 A All right. You too. Thank you.

15
16 (The inmate was excused.)
17
18
19
20
21
22
23
24
25

1 (After due deliberation by the Parole Board Panel,
2 the following Decision was rendered:)

3
4 D E C I S I O N:

5
6 Open date, 7-8-19 or earlier.

7 Your release in no way mitigates the seriousness
8 and senseless loss of life, nor does it alleviate the
9 lifelong pain of your victim's family and community. The
10 Panel considered the brutality of your instant offense,
11 where you and your co-defendant beat and stabbed your
12 16-year-old female victim. During the interview, you
13 expressed what appeared to be sincere remorse, and your
14 record reflects not only overall low COMPAS scores, but
15 maturity over the almost 39 years of incarceration.

16 I will seek, obtain, and maintain employment and/or
17 an academic/vocational program.

18 I will submit to Substance Abuse Testing, as
19 directed by the PAROLE OFFICER.

20 [REDACTED]
21 [REDACTED].
22 [REDACTED]
23 [REDACTED]

24 I will NOT consume alcoholic beverages.

25 I will NOT frequent any establishment where alcohol

1 is sold or served as its main business without the
2 permission of the PAROLE OFFICER.

3 I will abide by a curfew established by the PAROLE
4 OFFICER.

5 I will participate in anti-aggression/anti-violence
6 counseling, as directed by the PAROLE OFFICER.

7 I will NOT associate in any way or communicate by
8 any means with victim(s) (see file) without the permission
9 of the PAROLE OFFICER.

10 I will NOT associate in any way or communicate by
11 any means with associate(s) (see file) without the
12 permission of the PAROLE OFFICER.

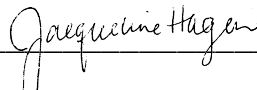
13 I will comply with all court orders including those
14 ordering fines, surcharges, and/or restitution.

15 I will comply with geographic restrictions per
16 PAROLE OFFICER.

17
18 (Commissioners Berliner and Drake concurred.)
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C E R T I F I C A T I O N

I, JACQUELINE N. HAGEN, Court Reporter and Notary
Public in and for the State of New York, DO HEREBY CERTIFY
that I attended the foregoing proceedings, took stenographic
notes of the same, that the foregoing, consisting of 27 pages,
is a true and correct copy of same and the whole thereof.



Jacqueline N. Hagen

Dated: May 29, 2019